

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/496,549 02/02/00 KING

G 96P7613US03

<input type="checkbox"/>	EXAMINER
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WM02/1220

02/02/00	ART UNIT	PAPER NUMBER
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Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin NJ 08830

2662
DATE MAILED:

12/20/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

JM

Office Action Summary	Application No. 09/496,549	Applicant(s) King
	Examiner Afsar M. Qureshi	Group Art Unit 2662

Responsive to communication(s) filed on Nov 30, 2000.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 32-39 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 32-39 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Response to Amendment

1. Amendment to application claims 32 and 38 is acknowledged. Rejection of claim 32 under 35 USC§112, second paragraph, is now removed.

Response to Arguments

2. Applicant's arguments with respect to claims 32-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buczny et al. (U.S. Patent No. 5,592,466) in view of Murono et al. (U.S. Patent No. 5,793,769).

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- Considering claims 32-36, Buczny et al. ("Buczny" hereinafter) disclose a telephone network interconnect backup plan in which the data is routed directly to the Gateway via E-link (see col. 3, lines 26-35, lines 45-52 see figure 1) upon CNI failure of switch 38. The ASTN Gateway 4ESS receives the incoming messages and transmits over to the ASTN gateway enrouting the messages to the intended recipient (see col. 4, lines 8-27, lines 43-57, also see figure 2).

In the same field of endeavor, within the LAN environment, Murono et al. (Murono hereinafter) disclose a multiplexed network connecting apparatus comprising pair of LANs, communication lines, relay stations and transmission means for transmitting frames between LANs. A bypass transmission path (see figure 1 section 14 a and 14 b) is provided for transmitting the data (or establishing connection) directly to the relay stations (see col. 2, lines 50-67 through col. 3, lines 1-8) [claim 32]. The transmission means for transmitting data from one relay station of the first LAN to the second relay station (remote line termination unit) [claim 36] of the second LAN wherein one of the first relay stations connected to the first relay receives the transmission frame from the first LAN, transfers the transmission frame to the second LAN through the communication line bypassing any switching network [claim 34] (see col. 3, lines 31-51, also col. 11, lines 7-33) and Interface modules (see figure 8).

Therefore, it would have been obvious to one of ordinary skill in the relevant art, at the time of invention, to have modified the telephone network system disclosed by Buczny by utilizing

the concept of intercepting data ahead of a distant relay station, as disclosed by Murono, so that data can be delivered to a gateway while bypassing the switch.

- Considering claim 37, Buczny discloses a first circuit-switched network having a first network switch with the traffic data to be transmitted from (see col. 2, lines 43-65). Although, including destination address in a data frame is well known in the art, nonetheless, Buczny, in describing a method of transmitting data, fails to disclose associating a logical identifier. However, Murono discloses format charts of communicating transmission frame transmitted from one relay station through the communication line (see figures 3-7). The transmission frame 31 includes a header section 32 a (see figure 3). The header section has an address field A, a control field C, and a protocol identifier field P indicative of the upper protocol (see col. 6, lines 5-14).

Therefore, it would have been obvious to one of ordinary skill in the field of communication, at the time of invention, to have modified the system disclosed by Buczny by incorporating techniques described by Murono in finding a method of assigning a logical identifier to the data and associating with the subscriber line (see figures 2-7) as claimed herein.

- Considering claims 38 and 39, means for identifying presence of a data call for transmission directly to the router bypassing the switch is discussed in claim 1 above.

Also assigning a logical identifier is discussed in claim 37 above (see col. 6, lines 5 through col. 7, up to line 23)

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Afsar M. Qureshi* whose telephone number is (703) 308-8542. The examiner can normally be reached on Monday through Friday from 8:00 to 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou**, can be reached on (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 308-6296, (for formal communications intended for entry)

Or: (703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Afsar M. Qureshi

December 14, 2000



**ALPUS H. HSU
PRIMARY EXAMINER**